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ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/17/20

December 17, 2020

Via ECF

MEMORANDUM ENDORSED

Hon. Gregory H. Woods
United States District Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, New York 10007

Re: *Gonzalez v. Coalition to Advance the Protection of Sports Logos
and New Era Cap Co., Inc.*
S.D.N.Y. Case No. 1:20-cv-08730-GHW
Request for Adjournment of January 6, 2021 Pretrial Conference

Dear Judge Woods:

We represent defendant New Era Cap Co., Inc. ("New Era"). New Era has not been served with the summons and complaint in this declaratory judgment action, but received a copy of the complaint via email from non-party Robert Lopez. Mr. Lopez is not an attorney but states that he "works with" *pro se* plaintiff Gary Gonzalez in connection with the management of his intellectual property portfolio.

Mr. Lopez is a serial filer with a long history before this Court, having filed at least 40 intellectual property lawsuits against more than 100 defendants in the Southern District of New York alone, including prior actions against New Era. *See, Lopez v. Adidas Am., Inc.*, 2020 U.S. Dist. LEXIS 88375, 2020 WL 2539116 at *17 n. 6 (S.D.N.Y. May 19, 2020).

I filed a notice of appearance in this matter on October 26, 2020 (Dkt. 4). Because New Era has not been served (and we believe the other defendant has not been served), it is not clear whether the Court will require my appearance at the initial pretrial conference. However, I have surgery scheduled on January 6, 2021, and therefore request an adjournment.

I emailed Mr. Lopez and Mr. Gonzalez on October 21, November 24 and December 1 regarding this matter, and also sent a letter via FedEx to plaintiff Gonzalez on December 4, which he received on December 7, 2020. I asked whether Mr. Gonzalez intends to proceed with this lawsuit and, if so, whether plaintiff would consent to an adjournment of the January 6, 2021

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pretrial conference. I also reminded Mr. Gonzalez that a joint letter and proposed case management plan are due December 31, 2020.

Neither plaintiff Gonzalez nor Mr. Lopez responded to any of my communications.

If the Court grants an adjournment and requires my appearance at an initial pretrial conference, I am available January 11-15, 18, 21, 22, 26 and 28, 2021. No previous requests for an adjournment or extension of time have been made in this matter.

Thank you for your consideration.

Respectfully submitted,

Harter Secrest & Emery LLP

s/ Michael J. Berchou

Michael J. Berchou

Partner

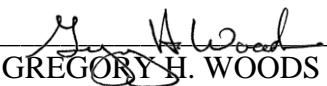
DIRECT DIAL: 716.844.3753
EMAIL: MBERCHOU@HSELAW.COM

MJB:erg

Application granted. The initial pretrial conference scheduled for January 6, 2021 is adjourned to January 28, 2021 at 2:00 p.m. The joint letter and proposed case management plan described in the Court's October 22, 2020 order, Dkt. No. 3, is due no later than January 21, 2021. All parties are expected to appear at the initial pretrial conference.

The Clerk of Court is directed to mail a copy of this order to Plaintiff by first class and certified mail. SO ORDERED.

Dated: December 17, 2020


GREGORY H. WOODS
United States District Judge